

RESTRICTIVE COVENANT

OWNER: Dentastic, LP, a Texas limited partnership

OWNER ADDRESS: 8412 Long Canyon Drive, Austin, Texas 78730

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Metes and bounds description of a survey of 4.724 acres of land, a portion of the Hrs. WM. L. Swain Survey No. 810, Abstract No. 727, in the City of Austin, Travis County, Texas, said 4.724 acres of land being a portion of that 5.593 acre tract of land, a portion of the said Hrs. WM. L. Swain Survey No. 810, in the City of Austin, Travis County, Texas, as described in a warranty deed from Clyde Beard, et ux to Tom Clyde Bearde in Volume 7630, Page 498, Deed Records of Travis County, Texas, as surveyed for James V. Potter by Metcalfe & Sanders, Inc., land surveyors, 4800 South Congress Avenue, Austin, Texas, said 4.724 acres of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant (the "Property"),

WHEREAS, the Owner (the "Owner", whether one or more), of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. The hours of operation for a Business or Trade School on the Property are restricted to the hours between 8:00 a.m. to 6:00 p.m.
2. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.

3. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2017.

OWNER:

Dentastic, LP, a Texas limited partnership

By: Dr. Denteck, Inc., a Texas corporation, its general partner

By: _____
James V. Potter, D.D.S.
President

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS

§

§

COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the _____ day of _____, 2017, by James V. Potter, as President of Dr. Denteck, Inc., a Texas corporation, general partner of Dentastic, LP, a Texas limited partnership, on behalf of said partnership.

Notary Public, State of Texas

METCALFE & SANDERS, INC./LAND SURVEYORS

4800 SOUTH CONGRESS
AUSTIN, TEXAS 78745
(512) 442-5363

SURVEYS & RECORDS SINCE 1904

EXHIBIT 66 A

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 4.724 ACRES OF LAND, A PORTION OF THE HRS. WM. L. SWAIN SURVEY NO. 810, ABSTRACT NO. 727, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 4.724 ACRES OF LAND BEING A PORTION OF THAT 5.593 ACRE TRACT OF LAND, A PORTION OF THE SAID HRS. WM. L. SWAIN SURVEY NO. 810, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A WARRANTY DEED FROM CLYDE BEARD, ET UX TO TOM CLYDE BEARD IN VOLUME 7630, PAGE 498, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AS SURVEYED FOR JAMES V. POTTER BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 4.724 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" steel pin with plastic cap set at the intersection of the west line of RM Highway No. 2222 with the south line of that 5.593 acre tract of land, a portion of the Hra. Wm. L. Swain Survey No. 810, Abstract No. 727, in the City of Austin, Travis County, Texas, as described in a deed from Clyde Beard, et ux to Tom Clyde Beard in Volume 7630, Page 498, Deed Records of Travis County, Texas, said 1/2" steel pin with plastic cap set being also in the north line of Lot 25, Block A, Long Canyon Phase 1-A, a subdivision of a portion of the said Hra. Wm. L. Swain Survey No. 810, in the City of Austin, Travis County, Texas, of record in Plat Book 80, Pages 369-372, Plat Records of Travis County, Texas, and being also in the west line of that 0.185 of one acre tract, a portion of the said Hra. Wm. L. Swain Survey No. 810, described as being a portion of said Lot 25, Block A, Long Canyon Phase 1-A, as described in a deed from Long Canyon Developers to the State of Texas in Volume 11783, Page 349, Real Property Records of Travis County, Texas, for the **POINT OF BEGINNING** and southeast corner of the herein described tract;

THENCE with the south line of the said Tom Clyde Beard 5.593 acre tract and the north line of said Lot 25, Block A, Long Canyon Phase 1-A, and the north line of Lot 24, Block A, of said Long Canyon Phase 1-A, and being also with the north line of Lot 19, Block A, Long Canyon Phase 1-B, a subdivision of a portion of the said Hra. Wm. L. Swain Survey No. 810, in the City of Austin, Travis County, Texas, of record in Plat Book 81, Pages 10-13, Plat Records of Travis County, Texas, courses numbered 1 through 4, inclusive as follows:

1. N 80°04'35" W 255.93 feet to a 3/4" steel pin found;
2. N 79°42'55" W 133.13 feet to a 1/2" round head bolt found;
3. N 79°59'55" W 265.09 feet to a 5/8" steel pin found at the northwest corner of said Lot 24, Block A, Long Canyon Phase 1-A and the northeast corner of said Lot 19, Block A, Long Canyon Phase 1-B, said 5/8" steel pin found being also the most northerly corner of Lot 23, Block A, of said Long Canyon Phase 1-A;
4. N 79°51'25" W 367.10 feet to a 5/8" steel pin found at the southwest corner of the said Tom Clyde Beard 5.593 acre tract and the northwest corner of said Lot 19, Block A, Long Canyon Phase 1-B, said 5/8" steel pin found being also the northeast corner of Lot 18, Block A, of said Long Canyon Phase 1-B, and the southeast corner of Lot 5, Block A, Angel

EXHIBIT A

Pass, a subdivision of a portion of the said Hrs. Wm. L. Swain Survey No. 810, in the City of Austin, Travis County, Texas, of record in Plat Book 101, Pages 87-89, Plat Records of Travis County, Texas, for the southwest corner of the herein described tract;

THENCE with the west line of the said Tom Clyde Beard 5.593 acre tract and the most southerly east line of said Lot 5, Block A, Angel Pass, courses numbered 5 through 6, inclusive as follows:

5. N 5°12'00" E 133.57 feet to a 1/2" square rod found;
6. N 2°09'00" E 123.78 feet to a 3/8" inch steel pin found at the northwest corner of the said Tom Clyde Beard 5.593 acre tract and at a southwest corner of that 7.644 acre tract of land, a portion of the said Hrs. Wm. L. Swain Survey No. 810, as described in a deed from Clyde Beard, et ux to Ted Warren Beard in Volume 7630, Page 502, Deed Records of Travis County, Texas, for the northwest corner of the herein described tract;

THENCE with the north, northeast and north lines of the said Tom Clyde Beard 5.593 acre tract and the south, southwest and south lines of the said Ted Warren Beard 7.644 acre tract, courses numbered 7 through 13, inclusive as follows:

7. S 82°20'20" E 200.65 feet to a 3/8" steel pin found;
8. S 75°17'40" E 65.79 feet to a 3/8" steel pin found;
9. S 38°51'00" E 214.96 feet to a 1/2" steel pin found;
10. S 84°31'50" E 133.83 feet to a 1/2" steel pin found;
11. N 66°06'25" E 76.50 feet to a 3/8" steel pin found;
12. N 66°06'25" E 158.10 feet to a 1/2" steel pin found;
13. N 76°04'25" E 86.53 feet to a 1/2" steel pin with plastic cap set in the west line of RM Highway No. 2222 and in the west line of that 0.865 of one acre tract, a portion of the said Hrs. Wm. L. Swain Survey No. 810, described as being a portion of the said Tom Clyde Beard 5.593 acre tract, as described in a deed from Tom Clyde Beard to the State of Texas in Volume 11776, Page 393, Real Property Records of Travis County, Texas, for the northwest corner of the herein described tract, and from said 1/2" steel pin with plastic cap set a 1/2" steel pin found at the northwest corner of the said State of Texas 0.865 of one acre tract bears N 30°26'35" W 0.26 feet;

THENCE with the west line of RM Highway No. 2222 and the west line of the said State of Texas 0.865 of one acre tract and being also with the west line of the said State of Texas 0.185 of one acre tract, courses numbered 14 through 15 inclusive as follows:

14. with a curve to the right an arc distance of 362.50 feet, said curve having a radius of 1963.48, a central angle of 10°34'41", and a chord of which bears S 26°10'15" E 361.99 feet to a Texas Department of Transportation brass disc in concrete found at the southwest corner of the said State of Texas 0.865 of one acre tract and at the northwest corner of the said State of Texas 0.185 of one acre tract;

15. S 2°11'45" E 2.64 feet to the Point of Beginning of the herein described tract, containing 4.724 acres of land.

Note: The plastic caps on the 1/2" steel pins set are inscribed with "M & S 1838".

Metes and Bounds Description Revised December 30, 2005.
Metes and Bounds Description Prepared August 14, 2003
From A Survey Completed August 4, 2003



METCALFE & SANDERS, INC.
Land Surveyors

By:

A handwritten signature in black ink, appearing to read "George L. Sanders".

George L. Sanders
Texas Registered Professional
Land Surveyor No. 1838

Plan 9869B
Ref Plan 9869A
Ref Plan 9869
Ref Plan 8230
FB 873, P 31-60 & DC
FB 889, P 8-10 & DC

Job No. 05362.01
Ref Job No. 03211.01

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Return:

James Potter
8412 Long Canyon Dr
Austin TX 78730

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

A handwritten signature in black ink, appearing to read "Dana DeBeauvoir".

2006 Feb 23 11:17 AM 2006031881

BENAVIDESV \$32.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

After Recording, Please Return to:
City of Austin
Law Department
P. O. Box 1088
Austin, Texas 78767
Attention: Cathy Curtis, Paralegal